



## CITY OF AVALON

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

50 September 13, 2016

LORI GLASGOW  
EXECUTIVE OFFICER

August 16, 2016

Ms. Lori Glasgow, Executive Officer  
Board of Supervisors  
500 West Temple Street, Room 383  
Los Angeles, CA 90012

Dear Ms. Lori Glasgow,

Enclosed you will find the City of Avalon's Resolution 16-17 requesting to place Ballot Measure Initiative L on a special municipal election and consolidate the election with the Statewide General Election on November 8, 2016. The Resolution contains the Ballot Measure text. This request for consolidation was also sent to the Registrar-Recorder/County Clerk for their approval on August 12, 2016.

The County office has been very helpful guiding our staff through this initial process. If you have any questions or require additional information, I can be reached at [dradde@cityofavalon.com](mailto:dradde@cityofavalon.com) or 310.510.0220 extension 122.

Sincerely,

Via: USPS

*Denise A. Radde*

Denise A. Radde  
Chief Administrative Officer / City Clerk  
City of Avalon

**RESOLUTION NO. 16-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON,  
CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE  
CITY OF AVALON AN INITIATIVE MEASURE PERMITTING  
MEDICAL MARIJUANA DISPENSARIES AND SIMILAR FACILITIES  
WITHIN THE CITY, SUBJECT TO ANNUAL LICENSE TAXES AND  
INDIVIDUAL TRANSACTION FEES, AT A SPECIAL MUNICIPAL  
ELECTION TO BE CONSOLIDATED WITH THE  
STATEWIDE GENERAL ELECTION TO BE HELD NOVEMBER 8, 2016,  
AND SETTING RULES FOR ARGUMENTS FOR AND  
AGAINST SAID MEASURE**

**WHEREAS**, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Avalon, seeking to enact an initiative measure/ordinance which would, among other things, permit medical marijuana dispensaries and similar activities to be conducted within the City of Avalon, subject to annual license taxes and individual transaction fees (the "Measure" or "Ordinance"); and

**WHEREAS**, Section 9215 of the California Elections Code provides that a local initiative measure may qualify for the ballot if a petition is filed with the City containing the signatures of at least ten percent (10%) of the number of registered voters of the City; and

**WHEREAS**, the City Clerk has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the California Elections Code; and

**WHEREAS**, the City Council desires to place the Measure on a special municipal election and consolidate the election for the Measure described herein with the Statewide General Election to be held on November 8, 2016; and

**WHEREAS**, the specific terms of the Measure/Ordinance are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1. Recitals.** The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

**SECTION 2. Submission of Ballot Measure.** The City Council of the City, pursuant to its right and authority as contained in California Elections Code section 9215, hereby orders the Measure/Ordinance attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the Special Municipal election to be held and consolidated with the Statewide General

Election on Tuesday, November 8, 2016. The proposed Measure/Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

**SECTION 3. Ballot Measure.** The City Council, pursuant to its right and authority, does hereby order that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the Special Municipal election to be consolidated with the Statewide General Election on Tuesday, November 8, 2016, in addition to any other matters required by law, there shall be printed substantially the following:

<b>MEASURE L</b> "Shall the Avalon Municipal Code be amended to permit up to two medical marijuana dispensaries and similar facilities, both fixed and mobile, to operate within the City, and to permit the cultivation, manufacture and processing of medical marijuana products, subject to specified standards, and further subject to a \$10,000 annual license tax and a 12% transaction fee/tax on each individual medical marijuana sale, until repealed by voters, and generating approximately \$200,000 annually?"	<b>YES</b>	
	<b>NO</b>	

**SECTION 4. Election Procedures.**

- A. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 8, 2016, and to hold and conduct the consolidated election in the manner prescribed in California Elections Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is hereby requested to consent to having the Registrar of Voters render such election services to the City of Avalon as may be requested by the City Clerk of said City, the County of Los Angeles to be reimbursed in full for such services as are performed.
- D. The election services which the City of Avalon requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Avalon; and the

performance of such other election services as may be requested by the City Clerk.

- E. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- F. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- H. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The Los Angeles County Registrar of Voters is hereby authorized to canvass the returns of said election.
- K. The City Clerk of the City of Avalon shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

#### **SECTION 5. Arguments and Analysis.**

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including **August 19, 2016**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.

- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the ballot pamphlet along with the ballot Measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of Measure L. If you desire a copy of the ordinance or measure, please call the election official's office at 310-510-0220 and a copy will be mailed at no cost to you."**

#### **SECTION 6. Rebuttals.**

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **August 29, 2016**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.
- C. That the provisions herein shall apply only to the election to be held on November 8, 2016, and shall then be repealed.

**SECTION 7. Placement on the Ballot.** The full text of the Ballot Ordinance/Measure will not be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the Ballot Ordinance and/or Measure, at no cost, upon request made to the City Clerk.

**SECTION 8. Delivery of Resolution to County.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ballot Ordinance/Measure attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Los Angeles County and to the Registrar of Voters of Los Angeles County.

**SECTION 9. CEQA.** The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

**SECTION 10. Severability.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

**SECTION 11. Effective Date of Resolution.** This Resolution shall take effect immediately upon its adoption.

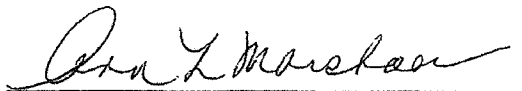
**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Avalon, California, at a Regular meeting held on this 7th day of June, 2016.

Ayes: Mayor Marshall, Councilmembers Olsen, Hernandez, and Sampson

Noes: Councilmember Cassidy

Absent: None

Abstain: None



Ann H. Marshall, Mayor



Denise A. Radde, City Clerk

Approved as to Form:



Scott H. Campbell, City Attorney

**EXHIBIT “A”**

**TEXT OF INITIATIVE MEASURE TO ALLOW MEDICAL MARIJUANA FACILITIES**

**[attached behind this page]**

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	<b>NO</b>	



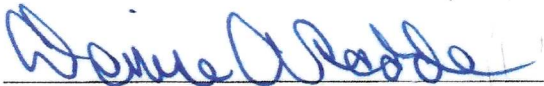
STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) SS.  
CITY OF AVALON             )

I, DENISE A. RADDE, CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Resolution No. 16-17, and was duly passed, approved, and adopted by the Avalon City Council at its regular meeting of June 7, 2016, by the following vote:

Ayes:           Mayor Marshall, Councilmembers Olsen, Hernandez, and Sampson  
Noes:           Councilmember Cassidy  
Absent:         None  
Abstain:        None

and that the same has not been amended nor repealed.

Dated this 8<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Denise A. Radde, City Clerk  
City of Avalon, California